(5)

NO. 113 Original	TITLE State of Mississippi, Plaintiff v. United States

DOCKETED	COURT
April 29, 1988	Bill of Complaint

DATE	PROCEEDINGS AND ORDERS
	Counsel for plaintiff: Jim R. Bruce, Helen Wetherbee Counsel for defendant: Solicitor General
April 29, 1988	Bill of Complaint filed.
May 4, 1988	DISTRIBUTED. May 19, 1988.
May 11, 1988	STRICKEN from above Conference. Answer due June 17, 1988.
June 13, 1988	Answer of the United States filed.
June 17, 1988	DISTRIBUTED. June 23, 1988. (Bill of Complaint and Answer).
June 29, 1988	Oath of the Special Master received.
June 27, 1988	It is ordered that the Honorable Walter P. Armstrong, Jr., of Memphis, Tennessee, be appointed Special Master. The Special Master shall have authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The Special Master is directed to submit such reports as he may deem appropriate. The compensation of the Special Master, the allowances to him, the compensation paid to his legal, technical, stenographic, and clerical assistants, the cost of printing his report, and all other proper expenses, including travel expenses, shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct.
Oct. 1, 1990	Report of the Special Master received. Record of proceedings received.
Oct. 3, 1990	DISTRIBUTED. Oct. 26, 1990. (Report of Special Master and Record of Proceedings).
Oct. 29, 1990	REDISTRIBUTED. Nov. 2, 1990.
Nov. 5, 1990	The Report of the Special Master is received and ordered filed. The recommended decree is approved. The decree is entered. The Court retains jurisdiction to entertain such further proceedings, enter such orders and issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to its previous orders of decrees herein or to this Decree of to effectuate the rights of the parties in the premises.

(Over)

2PP

Title

No.

DATE	PROCEEDINGS AND ORDERS
	Nothing in this Decree or in the proceedings leading to it shall prejudice any rights, claims or defenses of the State of Mississippi as to its maritime lateral boundaries with the State of Louisiana, which boundary is not at issue in this litigation. Nor shall the United States in any way be prejudiced as to the such matters. Nothing in this Decree shall prejudice any rights, claims or defenses of the United States or the State of Mississippi as to the inland water status of Chandeleur Sound. Nor shall anything in this Decree prejudice or modify the rights and obligations under any contracts or agreements, not inconsistent with this Decree, between the parties or between a party and a third party.

Supreme Court, U.S.
FILED
APR 29 1988
JOSEPH F. SPANIOL, JR.
CLERK

113

No. ___ ORIGINAL

In The

Supreme Court of the United States

October Term, 1987

STATE OF MISSISSIPPI,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

COMPLAINT AND STATEMENT IN SUPPORT OF COMPLAINT

MICHAEL C. MOORE
Attorney General
State of Mississippi

HELEN WETHERBEE
Special Assistant Attorney General
P.O. Box 220
Jackson, Mississippi 39205

JIM R. BRUCE*
P.O. Box 37
Kennett, Missouri 63857

*Counsel of Record

COCKLE LAW BRIEF PRINTING CO., (800) 225-6964
OR CALL COLLECT (402) 342-2831

In The

Supreme Court of the United States

October Term, 1987

No. ___ORIGINAL

STATE OF MISSISSIPPI,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

COMPLAINT

INTRODUCTION

In its March 1, 1988 opinion in *United States v. Louisiana, et al* Original No. 9 ___ U.S. ___, ___ L.Ed.2d ___, ___ S.Ct. ___ (1988), the Court granted the State of Mississippi and the United States leave without further motion to file a complaint setting forth their claims to any undecided portion of Chandeleur Sound.

The State of Mississippi acting through its Attorney General and pursuant to leave of this Court brings this suit against the United States of America, and for its cause of action states:

I.

The original jurisdiction of this Court is invoked under Article III, Section 2, of the Constitution of the United States and 28 U.S.C. §1251(b)(2).

II.

The Submerged Lands Act, 43 U.S.C. §1301 *et seq.* and this Court's decision in *United States v. Louisiana, et al*, 363 U.S. 1 (1960) confirmed and established the title of the State of Mississippi to the submerged lands beneath the inland waters of the State and the waters of the Gulf of Mexico within three (3) geographical miles of its coastline. The United States retained ownership to the seabed and subsoil area lying more than three geographical miles seaward of the low water mark along the coast and the outer limit of inland water.

III.

Chandeleur Sound is a body of water south of the State of Mississippi and east of the Louisiana mainland. It lies perpendicular to and is separated from Mississippi Sound by Cat Island, West Ship Island and East Ship Island and from the Gulf of Mexico to the east by the Chandeleur Islands.

IV.

The waters of Chandeleur Sound are inland waters of the State of Mississippi and Louisiana such that the title to the submerged lands therein passed to the states on their admissions to the Union. That title was subsequently confirmed and established by the Submerged Lands Act, 43 U.S.C. §1301. (Also see *United*

States v. Louisiana, et al., 422 U.S. 13 and 457 U.S. 726)

V.

The northern entrance to Chandeleur Sound lies between the northernmost of the Chandeleur Islands and the easternmost point of East Ship Island; the waters westward of a line connecting the two points constitute inland waters of the States of Mississippi and Louisiana.

VI.

The United States, despite a long history and practice of claiming all or portions of Chandeleur Sound as inland waters, has published navigational charts showing large areas of Chandeleur Sound as high seas. Such areas occur in the northern Chandeleur Sound more than three miles from the coasts of Cat Island and East and West Ship Islands.

VII.

The United States claims the right, title or interest in the seabed and subsoil of the Chandeleur Sound more than three geographical miles seaward from the ordinary low-water mark of East and West Ship Islands, Cat Island and the intervening limits of Mississippi Sound. These waters north of the Mississippi-Louisiana lateral boundary are inland waters and the title to the submerged lands therein belong to the State of Mississippi. The United States' claim is adverse to and disputed by the State of Mississippi.

VIII.

The coastline for determining the status of Chandeleur Sound and the respective rights of the State of Mississippi and the United States under the Submerged Lands Act is the same as the baseline used to determine the territorial sea under the Convention on the Territorial Sea and Contiguous Zone. Chandeleur Sound constitutes inland waters under the Convention as both historic and juridical bays and through the use of straight baselines.

IX.

By its conduct, the United States casts uncertainty on Mississippi's title to suberged lands and resources in Chandeleur Sound, thereby causing great and irreparable injury to the rights of the State of Mississippi unless the rights of the State of Mississippi are declared and established by this Court.

WHEREFORE, the State of Mississippi prays that the defendant be required to answer this complaint, that the matter be referred to a special master for the purpose to conducting necessary hearings, taking evidence and submitting a report to this court, and that after due proceedings, a decree be entered declaring the rights of the State of Mississippi as against the United States in the subsoil and seabed underlying the waters of the Chandeleur Sound north of the Mississippi-Louisiana lateral boundary and enjoining the defendant, its privies, assigns, lessees and other persons claiming under it, from interfering with the aforesaid rights of the State of Mississippi.

Respectfully submitted,

MICHAEL C. MOORE
Attorney General
State of Mississippi

HELEN WETHERBEE
Special Assistant Attorney General
P.O. Box 220
Jackson, Mississippi 39205

JIM R. BRUCE*
P.O. Box 37
Kennett, Missouri 63857

*Counsel of Record

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In The

Supreme Court of the United States

October Term, 1987

No. ___ORIGINAL

STATE OF MISSISSIPPI,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

STATEMENT IN SUPPORT OF COMPLAINT

The present action is to establish Mississippi's boundary in the vicinity of Chandeleur Sound south of Mississippi Sound and north of the Mississippi-Louisiana lateral boundary.

In its opinion of March 1, 1988 in *United States v. Louisiana, Original No. 9*, the Court stated that it was concerned there only with Mississippi Sound and not Mississippi's rights in Chandeleur. The Court stated its unwillingness to determine on the record before it at that time the extent of Mississippi's rights south of Mississippi Sound without the parties' complete agreement. Accordingly, it overruled the State's exceptions

without prejudice to advance its claims in the vicinity of Chandeleur Sound in a separate proceeding. To facilitate the resolution of any question that might remain as to Chandeleur Sound, the Court granted leave to both the United States and the State of Mississippi to file a complaint with this Court, without further motion, setting forth a claim to any undecided portion of Chandeleur Sound.

Mississippi contends that Chandeleur Sound, including the area south of Cat Island and East and West Ship Islands constitutes inland waters under the Submerged Lands Act, 43 U.S.C. §1301, *et seq*. In that Act, Congress confirmed to each state title to the lands beneath navigable waters within the state's boundaries. (See §1311(a)). It further granted each coastal state a seaward boundary three geographical miles distant from its coastline. The term "coastline" as used in the act is defined as "the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland water." (See §1301 (c)).

The Act did not define the terms "inland waters" or "open sea" but left that task to the courts. The Court for purposes of the Submerged Lands Act adopted the definitions provided in the Convention on the Territorial Sea and the Contiguous Zone, [1964] 15 UST (pt. 2) 1607, T.I.A.S. No. 5639 for defining inland waters. A body of water may qualify as internal waters as a juridical bay under Article 7 of the Convention or under Article 4 by the use of the straight baselines method where the coast is fringed by a group of islands. The Convention further recognizes waters as internal where

the coastal state has continuously exercised authority over an area with the acquiescence of foreign nations. *United States v. Louisiana,* 470 U.S. 93, 102 (1985).

The State of Mississippi submits that the United States has long claimed Chandeleur Sound as inland waters over a long period of time with the acquiescence of foreign nations. This Court in its decrees in *United States v. Louisiana, et al,* 422 U.S. 13 and 452 U.S. 726 has recognized the waters in Chandeleur Sound landward of the decreed baselines as inland waters and confirmed title to the submerged lands south of the Mississippi-Louisiana lateral boundary in the State of Louisiana.

Likewise, in *United States v. California* 381 U.S. 139 (1965), the Court took note of the United States' claim to Chandeleur Sound as inland waters. A similar claim was made to Chandeleur Sound in *United States v. Louisiana,* 363 U.S. 1, 66, n. 108 (1960) and confirmed in a later stage of the proceeding, See: 394 U.S. 11, 67, 87 (1969). In a letter dated June 6, 1972, the Chief of the Marine Resources Section of the Justice Department stated that although the United States now takes the position that Chandeleur Sound is for the most part high seas it had previously taken the position that it was internal waters on the theory that it was "fictitious bay". This Court held that a fictitious bay "is merely the configuration which results from drawing baselines from the mainland to a string of islands along the coast." (394 U.S. 11, p. 72, n. 96). Such practice by the United States is evidence not only of historic title, but use of a straight baseline method.

Likewise, this Court has recently recognized the United States' long standing practice applying a "ten-mile" rule to enclose as inland waters those areas between the mainland and offlying islands so closely grouped that no entrance exceeded 10 geographical miles. The Court held the ten-mile rule represented the publicly stated policy of the United States since the Alaska Boundary Arbitration in 1903. *United States v. Louisiana, et al*, 470 U.S. 93, 106-107 (1985). Prior to 1969 the United States had recognized Chandeleur Sound as inland waters under various formulations.

CONCLUSION

For the foregoing reasons, the State of Mississippi submits that this proceeding should be referred to a Special Master to conduct hearings, take evidence, and recommend a proper boundary and coastline for the State of Mississippi in the vicinity of the northern part of Chandeleur Sound.

Respectfully submitted,

MICHAEL C. MOORE
Attorney General
State of Mississippi

HELEN WETHERBEE
Special Assistant Attorney General
P.O. Box 220
Jackson, Mississippi 39205

JIM R. BRUCE*
P.O. Box 37
Kennett, Missouri 63857

*Counsel of Record

Supreme Court, U.S.
FILED
JUN 13 1988
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No. 113, Original

In the Supreme Court of the United States

OCTOBER TERM, 1987

STATE OF MISSISSIPPI, PLAINTIFF

v.

UNITED STATES OF AMERICA

ON BILL OF COMPLAINT

ANSWER OF THE UNITED STATES

CHARLES FRIED
Solicitor General
ROGER J. MARZULLA, JR.
Assistant Attorney General
CHARLES W. BROOKS
Attorney
Department of Justice
Washington, D.C. 20530
(202) 633-2217

RALPH W. TARR
Solicitor
SUSAN K. HOVEN
Attorney
Department of the Interior
Washington, D.C. 20240

In the Supreme Court of the United States

OCTOBER TERM, 1987

No. 113, Original

STATE OF MISSISSIPPI, PLAINTIFF

v.

UNITED STATES OF AMERICA

ON BILL OF COMPLAINT

ANSWER OF THE UNITED STATES

The United States, in response to the complaint of the State of Mississippi setting forth its claim to portions of the Chandeleur Sound, states as to each averment of the complaint:

1. The averments of paragraph I are admitted.

2. In response to the averments of paragraph II, the United States states that the Submerged Lands Act, ch. 65, 67 Stat. 29, 43 U.S.C. 1301 *et seq.*, and this Court's decision in *United States* v. *Louisiana,* 363 U.S. 1 (1960), are the best evidence of their contents and speak for themselves.

3. The averments of paragraph III are admitted.

4. The averments of paragraph IV are denied.

5. The averments of paragraph V are denied.

6. In response to the averments of paragraph VI, the United States admits that prior to *United States* v. *California,* 381 U.S. 139 (1965), the United States had indicated that the Chandeleur Sound was inland water, at least in some circumstances, pursuant to various delimitation theories antedating the Convention on the Territorial Sea and Contiguous Zone, *opened for signature* Apr. 29, 1958,

15 U.S.T. 1606, T.I.A.S. No. 5639, 516 U.N.T.S. 205 (entered into force Sept. 10, 1964) [hereinafter the Convention]. The United States specifically denies, however, that it is bound by any position taken prior to the decision in *United States* v. *California, supra,* or that such indications constitute a long history or practice of claiming all or portions of the Chandeleur Sound as inland waters. *United States* v. *Louisiana* (*Louisiana Boundary Case*), 394 U.S. 11, 66-67 n.87, 73 n.97 (1969). The United States admits that it has published navigational charts showing areas of the Chandeleur Sound as high seas and that high sea areas occur in northern portions of the Chandeleur Sound three miles beyond the coastlines of Cat Island and East and West Ship Islands.

7. In response to the averments of the first sentence of paragraph VII, the United States states that it claims the rights to and jurisdiction and control of the Chandeleur Sound as against the State of Mississippi in accordance with the provisions of the Submerged Lands Act, *supra.* The averments contained in the second sentence of paragraph VII are denied. The third sentence of this paragraph constitutes a characterization of plaintiff's action and requires no response.

8. In response to the averments of paragraph VIII, the United States states that for purposes of defining the term "inland waters" as employed by the Submerged Lands Act, *supra,* the definitions provided in the Convention have been adopted by the Court. *United States* v. *California,* 381 U.S. 139, 165 (1965). The United States further avers that, in particular, the Convention uses the term "baseline" to refer to the "coast line" referenced in the Submerged Lands Act, *supra.* See *United States* v. *Louisiana* (*Alabama and Mississippi Boundary Case*), 470 U.S. 93, 98 (1985). The remaining averments contained in paragraph VIII constitute legal argument of the pleader and therefore require no response; inasmuch as those averments may require a response, they are denied.

ADDITIONAL AVERMENT

The United States avers that the State of Mississippi has no rights to the submerged lands and resources in areas of the Chandeleur Sound disputed herein, that the Chandeleur Sound is neither juridical nor historic inland water and that the United States has never asserted a straight baseline as sanctioned by Article 4 of the Convention, 15 U.S.T. 1608, anywhere along its coast.

WHEREFORE, the United States respectfully prays that the Court deny in all respects plaintiff's prayer for relief, issue a decree protecting the rights of the United States in the Chandeleur Sound and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted.

CHARLES FRIED
Solicitor General

ROGER J. MARZULLA, JR.
Assistant Attorney General

CHARLES W. BROOKS
Attorney

RALPH W. TARR
Solicitor

SUSAN K. HOVEN
Attorney
Department of the Interior

JUNE 1988

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Supreme Court, U.S.
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(3)

No. 113, Original

IN THE

Supreme Court of the United States

OCTOBER TERM, 1990

STATE OF MISSISSIPPI,
Plaintiff,

vs.

UNITED STATES OF AMERICA,
Defendant.

REPORT OF WALTER P. ARMSTRONG, JR., SPECIAL MASTER

October 1, 1990

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OCTOBER TERM, 1990

STATE OF MISSISSIPPI,
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vs.

UNITED STATES OF AMERICA,
Defendant.

REPORT OF WALTER P. ARMSTRONG, JR., SPECIAL MASTER

In its opinion of March 1, 1988 in *United States of America v. State of Louisiana (Alabama and Mississippi Boundary Case)*, 485 U.S. 88, the Court said:

> In order to facilitate the resolution of any question that might remain as to Chandeleur Sound, leave is granted the State of Mississippi and the United States, respectively, without further motion, to file a complaint with this Court setting forth its claim to any undecided portion of Chandeleur Sound.
>
> (485 U.S. at p. 93)

The present proceeding was accordingly initiated by the State of Mississippi on April 29, 1988 by the filing of a Complaint and Statement in Support of Complaint praying that:

> [A] decree be entered declaring the rights of the State of Mississippi as against the United States in the subsoil and seabed underlying the waters of the Chandeleur Sound north of the Mississippi-Louisiana boundary and enjoining the defendant, its privies, assigns, lessees and other persons claiming under it, from interfering with the aforesaid rights of the State of Mississippi.

On June 13, 1988 the United States filed an answer to that complaint:

> The United States avers that the State of Mississippi has no rights to the submerged lands and resources in areas of the Chandeleur Sound disputed herein, that the Chandeleur Sound is neither juridical nor historic inland water and that the United States has never asserted a straight baseline as sanctioned by Article 4 of the Convention, 15 U.S.T. 1608, anywhere along its coast.

On June 27, 1988 the matter was referred to me as Special Master "to submit such reports as he may deem appropriate." This report is in response to that directive.

Since then the parties have worked diligently to resolve their differences, and have ultimately succeeded in doing so. Their agreement is reflected in a proposed decree, a copy of which is attached hereto as Appendix A and a stipulation, a copy of which is attached hereto as Appendix B. While the proposed decree does not undertake to settle the question as to whether Chandeleur Sound constitutes inland waters within the meaning of the Convention on the Territorial Sea and the Contiguous Zone (1964) 15 U.S.T. (Pt. 2) 1607, T.I.A.S. No. 5639 (hereinafter "Convention"), it would resolve the differences between the parties as to their respective rights under the Submerged Lands Act, 675 Stat. 29, 34 U.S.C.A. 1301-1315 (hereinafter "the Act"). A similar procedure was adopted by the Court in the decree entered in *United States v. Louisiana* (422 U.S. 13) determining, among many other things, the

respective rights of the United States and the State of Louisiana under the Act to exploit the resources within that portion of Chandeleur Sound lying within or adjacent to that state. The stipulation entered into by Louisiana and the United States (reproduced as Appendix A-2 to my report of July 31, 1974 in that proceeding) is basically similar in wording to that reproduced as Exhibit B hereto, and the line agreed upon is the same except for its northern terminus, which has been necessarily altered due to physical changes in Ship Island since the 1975 decree. Similar changes have resulted in the southern terminus of that line, which in 1976 was on the most northern tip of the most northerly of the Chandeleur Islands, now being located in open water near that point. The line established by the proposed decree reproduced as Exhibit A is therefore merely an extension northward of the line fixed by the 1975 decree, and if approved by the Court, will establish one continuous line from a point near the Chandeleur Islands to a point upon Ship Island which will determine the rights under the Act of both the States of Louisiana and Mississippi as against the United States.

That line is also the same as that embodied in the decree proposed by the United States in *United States v. Louisiana, et al. (Alabama and Mississippi Boundary Case)* No. 9 Original. In my report of March 16, 1987 in that proceeding I said that "While in my opinion the decree proposed by the United States would be a preferable solution", "in the absence of a stipulation or the adoption of a straight baseline the acceptance of the line proposed by the United States would amount to a modification of the Court's opinion of February 26, 1985 which would be beyond the scope of the reference to me as a Special Master." This language is referred to by the Court in its opinion of March 1, 1988 (485 U.S. 88, at p. 90) in the above cited case which authorized the present proceeding.

I still adhere to that view; but this is a different case, and in my opinion the matter is well within the scope of the reference of June 27, 1988 to me as Special Master. The United States has

made it clear that it does not adopt a straight baseline under the Convention (as only it has a right to do; see *United States v. California*, 381 U.S. 139 at pp. 167-169; *United States v. Louisiana*, 394 U.S. 11, at pp. 72-73). Instead the parties have entered into a stipulation approving the subject line for the limited purposes stated therein. (See Appendix B). I therefore have no hesitation in recommending the entry by the Court of a decree in the form indicated by Exhibit A attached hereto solely for the purpose stated therein and without international implications.

WALTER P. ARMSTRONG, JR.
Special Master

October 1, 1990

APPENDIX

APPENDIX A

JOINT PROPOSED DECREE

SUPREME COURT OF THE UNITED STATES

No. 113 Original

STATE OF MISSISSIPPI, PLAINTIFF

v.

UNITED STATES, DEFENDANT

DECREE

On March 1, 1988, this Court granted leave to the State of Mississippi and the United States to file a complaint with the Court setting forth their respective claims to "any undecided portion of Chandeleur Sound." *United States v. Louisiana et al. (Alabama and Mississippi Boundary case)*, 485 U.S. 88 (1988). Thereafter, the State of Mississippi filed the above-captioned litigation which was timely answered by the United States.

Pursuant to a stipulation executed by the parties in resolution of the above-styled action, and solely for the purpose of determining the parties' respective rights under the Submerged Lands Act, 43 U.S.C. 1301 *et seq.*, in the vicinity of Chandeleur Sound, the parties have agreed to a line which shall permanently mark the baseline from which Mississippi's Submerged Lands Act grant is measured. That line is described in paragraph 3 below. Accordingly, the parties' joint motion for entry of decree is granted.

IT IS ORDERED ADJUDGED AND DECREED as follows:

1. As against the plaintiff State of Mississippi and all persons claiming under it, the United States has exclusive

rights to explore the area of the Continental Shelf reserved to the United States by the Submerged Lands Act, 43 U.S.C. 1302, and to exploit the natural resources of said area and the State of Mississippi is not entitled to any interest in such lands, minerals, and resources and said State, its privies, assigns, lessees and other persons claiming under it are hereby enjoined from interfering with the rights of the United States in such lands, minerals and resources. Solely for the purpose of determining each party's rights under the Submerged Lands Act, the line described in Paragraph 3 hereof is stipulated by the parties to henceforth represent and permanently mark the line from which Mississippi's Submerged Lands Act grant is measured.

2. As against the defendant United States and all persons claiming under it, the State of Mississippi has exclusive rights to explore the area of the Continental Shelf as provided by the Submerged Lands Act and to exploit the natural resources of said area, with the exceptions provided by Section 5 of the Submerged Lands Act, 67 Stat. 32, 43 U.S.C. § 1313. The United States is not entitled to any interest in such lands, minerals, and resources and the United States, its privies, assigns, lessees and other persons claiming under it are hereby enjoined from interfering with the rights of the State of Mississippi in such lands, minerals and resources. Solely for the purpose of determining each party's respective rights under the Submerged Lands Act, the line described in Paragraph 3 hereof is stipulated by the parties to henceforth represent and permanently mark the line from which Mississippi's Submerged Lands Act grant is measured.

3. Solely for the purpose of determining each party's respective rights under the Submerged Lands Act and in resolution of the above-captioned litigation, the following line is stipulated by the parties to henceforth represent and

permanently mark the line from which Mississippi's Submerged Lands Act grant is measured:

> A straight line from a point on the southern shore of the most westerly segment of Ship Island where X = 463004.481 and Y = 196885.896 in the Mississippi plane coordinate system, east zone, and X = 2752646.58 and Y = 568331.88 in the Louisiana plane coordinate system, south zone, to a point near the northern tip of the most northerly of the Chandeleur Islands where X = 2775787 and Y = 513796 in the Louisiana plane coordinate system, south zone, so far as said line lies on the Mississippi side of the Mississippi-Louisiana boundary.

4. The Court retains jurisdiction to entertain such further proceedings, enter such orders and issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to its previous orders or decrees herein or to this Decree or to effectuate the rights of the parties in the premises.

5. Nothing in this Decree or in the proceedings leading to it shall prejudice any rights, claims or defenses of the State of Mississippi as to its maritime lateral boundaries with the State of Louisiana, which boundary is not at issue in this litigation. Nor shall the United States in any way be prejudiced hereby as to such matters. Nothing in this decree shall prejudice any rights, claims or defenses of the United States or the State of Mississippi as to the inland water status of Chandeleur Sound. Nor shall anything in this Decree prejudice or modify the rights and obligations under any contracts or agreements, not inconsistent with this Decree, between the parties or between a party and a third party.

/s/ KENNETH W. STARR
Solicitor General
Department of Justice
Washington D.C. 20530

Date: July 23, 1990

/s/ MIKE MOORE
Attorney General
State of Mississippi
Carroll Gartin Justice Building
Jackson, Mississippi 39205-0220

Date: Aug. 7, 1990

/s/ WALTER P. ARMSTRONG, JR.
Special Master

Filed: Aug. 14, 1990

APPENDIX B

SUPREME COURT OF THE UNITED STATES

No. 113 Original

STATE OF MISSISSIPPI, PLAINTIFF

v.

UNITED STATES, DEFENDANT

STIPULATION

1. For the sole purpose of expediting the ultimate resolution of the above captioned action, and without deciding whether Chandeleur Sound is inland waters, it is hereby finally stipulated by the United States and Mississippi that the line hereinafter described shall henceforth represent and permanently mark the line from which Mississippi's Submerged Lands Act grant is to be measured for purposes of determining the respective rights of the State of Mississippi and the United States under the Submerged Lands Act, 43 U.S.C. 1301, *et seq.* (1953).

The said line is as follows:

> A straight line from a point on the southern shore of the most westerly segment of Ship Island where X = 463004.481 and Y = 196885.896 in the Mississippi plane coordinate system, east zone, and X = 2752646.58 and Y = 568331.88 in the Louisiana plane coordinate system, south zone, to a point near the northern tip of the most northerly of the Chandeleur Islands where X = 2775787 and Y = 513796 in the Louisiana plane coordinate system, south zone, so far as said line lies on the Mississippi side of the Mississippi-Louisiana boundary.

2. In entering this stipulation, Mississippi maintains its position that the whole of the Chandeleur Sound constitutes inland waters, as both an historic and juridical bay and through the use of straight baselines. Mississippi recognizes, however, the United States' position that these are not inland waters.

3. In entering this stipulation, the United States maintains that its agreement is not based on the belief that these are historic inland waters or described by a system of straight baselines, or are inland waters on any geographical or juridical basis, or on any other basis. The United States maintains its position that Chandeleur Sound is composed of territorial seas measured from closing lines of juridical bays and the low-water line of the mainland and islands rather than inland waters. The United States recognizes, however, Mississippi's position that these are inland waters.

/s/ KENNETH W. STARR — Date: July 23, 1990
Solicitor General
Department of Justice
Washington, D.C. 20530

/s/ MIKE MOORE — Date: August 7, 1990
Attorney General
State of Mississippi
Carroll Gartin Justice Building
Jackson, Mississippi 39205-0220

/s/ WALTER P. ARMSTRONG, JR. — Filed: Aug. 14, 1990
Special Master

SUPREME COURT OF THE UNITED STATES

STATE OF MISSISSIPPI, PLAINTIFF *v.* UNITED STATES

ON BILL OF COMPLAINT

No. 113, Orig. Decided November 5, 1990

The Report of the Special Master is received and ordered filed. The recommended decree is approved.

DECREE

On March 1, 1988, this Court granted leave to the State of Mississippi and the United States to file a complaint with the Court setting forth their respective claims to "any undecided portion of Chandeleur Sound." *United States* v. *Louisiana et al. (Alabama and Mississippi Boundary case)*, 485 U. S. 88 (1988). Thereafter, the State of Mississippi filed the above-captioned litigation which was timely answered by the United States.

Pursuant to a stipulation executed by the parties in resolution of the above-styled action, and solely for the purpose of determining the parties' respective rights under the Submerged Lands Act, 43 U. S. C. 1301 *et seq.*, in the vicinity of Chandeleur Sound, the parties have agreed to a line which shall permanently mark the baseline from which Mississippi's Submerged Lands Act grant is measured. That line is described in paragraph 3 below. Accordingly, the parties' joint motion for entry of decree is granted.

IT IS ORDERED ADJUDGED AND DECREED as follows:

1. As against the plaintiff State of Mississippi and all persons claiming under it, the United States has exclusive rights to explore the area of the Continental Shelf reserved to the United States by the Submerged Lands Act, 43 U. S. C. 1302, and to exploit the natural resources of said area and the State of Mississippi is not entitled to any interest in such lands, minerals, and resources and said State, its privies, as-

signs, lessees and other persons claiming under it are hereby enjoined from interfering with the rights of the United States in such lands, minerals and resources. Solely for the purpose of determining each party's rights under the Submerged Lands Act, the line described in Paragraph 3 hereof is stipulated by the parties to henceforth represent and permanently mark the line from which Mississippi's Submerged Lands Act grant is measured.

2. As against the defendant United States and all persons claiming under it, the State of Mississippi has exclusive rights to explore the area of the Continental Shelf as provided by the Submerged Lands Act and to exploit the natural resources of said area, with the exceptions provided by Section 5 of the Submerged Lands Act, 67 Stat. 32, 43 U. S. C. § 1313. The United States is not entitled to any interest in such lands, minerals, and resources and the United States, its privies, assigns, lessees and other persons claiming under it are hereby enjoined from interfering with the rights of the State of Mississippi in such lands, minerals and resources. Solely for the purpose of determining each party's respective rights under the Submerged Lands Act, the line described in Paragraph 3 hereof is stipulated by the parties to henceforth represent and permanently mark the line from which Mississippi's Submerged Lands Act grant is measured.

3. Solely for the purpose of determining each party's respective rights under the Submerged Lands Act and in resolution of the above-captioned litigation, the following line is stipulated by the parties to henceforth represent and permanently mark the line from which Mississippi's Submerged Lands Act grant is measured:

> A straight line from a point on the southern shore of the most westerly segment of Ship Island where X = 463004.481 and Y = 196885.896 in the Mississippi plane coordinate system, east zone, and X = 2752646.58 and Y = 568331.88 in the Louisiana plane coordinate system, south zone, to a point near the northern tip of the most

northerly of the Chandeleur Islands where X = 2775787 and Y = 513796 in the Louisiana plane coordinate system, south zone, so far as said line lies on the Mississippi side of the Mississippi-Louisiana boundary.

4. The Court retains jurisdiction to entertain such further proceedings, enter such orders and issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to its previous orders or decrees herein or to this Decree or to effectuate the rights of the parties in the premises.

5. Nothing in this Decree or in the proceedings leading to it shall prejudice any rights, claims or defenses of the State of Mississippi as to its maritime lateral boundaries with the State of Louisiana, which boundary is not at issue in this litigation. Nor shall the United States in any way be prejudiced hereby as to such matters. Nothing in this decree shall prejudice any rights, claims or defenses of the United States or the State of Mississippi as to the inland water status of Chandeleur Sound. Nor shall anything in this Decree prejudice or modify the rights and obligations under any contracts or agreements, not inconsistent with this Decree, between the parties or between a party and a third party.